

**§ 40.167 How are MRO reports of drug results transmitted to the employer?**

As the MRO or C/TPA who transmits drug test results to the employer, you must comply with the following requirements:

(a) You must report the results in a confidential manner.

(b) You must transmit to the DER on the same day the MRO verifies the result or the next business day all verified positive test results, results requiring an immediate collection under direct observation, adulterated or substituted specimen results, and other refusals to test.

(1) Direct telephone contact with the DER is the preferred method of immediate reporting. Follow up your phone call with appropriate documentation (see § 40.163).

(2) You are responsible for identifying yourself to the DER, and the DER must have a means to confirm your identification.

(3) The MRO's report that you transmit to the employer must contain all of the information required by § 40.163 .

(c) You must transmit the MRO's report(s) of verified tests to the DER so that the DER receives it within two days of verification by the MRO.

(1) You must fax, courier, mail, or electronically transmit a legible image or copy of either the signed or stamped and dated Copy 2 or the written report (see § 40.163(b) and (c)).

(2) Negative results reported electronically (i.e., computer data file) do not require an image of Copy 2 or the written report.

(d) In transmitting test results, you or the C/TPA and the employer must ensure the security of the transmission and limit access to any transmission, storage, or retrieval systems.

(e) MRO reports are not subject to modification or change by anyone other than the MRO, as provided in § 40.149(c).

[65 FR 79526, Dec. 19, 2000, as amended at 66 FR 41953, Aug. 9, 2001]

**§ 40.169 Where is other information concerning the role of MROs and the verification process found in this regulation?**

You can find more information concerning the role of MROs in several sections of this part:

§ 40.3—Definition.

§§ 40.47–40.49—Correction of form and kit errors.

§ 40.67—Role in direct observation and other atypical test situations.

§ 40.83—Laboratory handling of fatal and correctable flaws.

§ 40.97—Laboratory handling of test results and quantitative values.

§ 40.99—Authorization of longer laboratory retention of specimens.

§ 40.101—Relationship with laboratories; avoidance of conflicts of interest.

§ 40.105—Notification of discrepancies in blind specimen results.

§ 40.171—Request for test of split specimen.

§ 40.187—Action concerning split specimen test results.

§ 40.193—Role in “shy bladder” situations.

§ 40.195—Role in cancelling tests.

§§ 40.199–40.203—Documenting errors in tests.

§ 40.327—Confidentiality and release of information.

§ 40.347—Transfer of records.

§ 40.353—Relationships with service agents.

**Subpart H—Split Specimen Tests****§ 40.171 How does an employee request a test of a split specimen?**

(a) As an employee, when the MRO has notified you that you have a verified positive drug test and/or refusal to test because of adulteration or substitution, you have 72 hours from the time of notification to request a test of the split specimen. The request may be verbal or in writing. If you make this request to the MRO within 72 hours, you trigger the requirements of this section for a test of the split specimen. There is no split specimen testing for an invalid result.

(b)(1) If, as an employee, you have not requested a test of the split specimen within 72 hours, you may present to the MRO information documenting that serious injury, illness, lack of actual notice of the verified test result, inability to contact the MRO (e.g., there was no one in the MRO's office and the answering machine was not